

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13<sup>TH</sup> DAY OF JULY 2009, AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Vice Chair
	William H. Brown	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	L. Carol Edmonds	-Interim County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Steve Sandy	-Planning Director
	Kevin Byrd	-Comprehensive Planner
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	Annette S. Perkins	-Chair
	Mary W. Biggs	-Supervisor

### **CALL TO ORDER**

The Vice-Chair called the meeting to order.

### **INTO CLOSED MEETING**

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711      (3)      Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Blacksburg Technology Manufacturing Building

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
William H. Brown		Annette S. Perkins
Doug Marrs		
John A. Muffo		
James D. Politis		

### **OUT OF CLOSED MEETING**

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Mary W. Biggs
Doug Marrs		Annette S. Perkins
John A. Muffo		
Gary D. Creed		
James D. Politis		

### **CERTIFICATION OF CLOSED MEETING**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

## VOTE

### AYES

Doug Marrs  
John A. Muffo  
Gary D. Creed  
William H. Brown  
James D. Politis

### NAYS

None

### ABSENT DURING VOTE

Mary W. Biggs  
Annette S. Perkins

### ABSENT DURING MEETING

Mary W. Biggs  
Annette S. Perkins

## **INVOCATION**

A Moment of Silence was lead by Vice-Chair Politis.

## **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

## **DELEGATION**

### **Virginia Department of Transportation**

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County.

### **Request for a No Passing Zone on Rt. 114**

The Interim County Administrator reported a request was made on behalf of the Belview United Methodist Church on Onyx Drive for a “No Passing Zone” on Peppers Ferry Road – SR 114 in front of the church. Church members report the area is dangerous when entering Rt. 114 from the church. The section of road in question on Peppers Ferry Road begins at the entrance of the Belview Elementary School and ends at Victoria Lane. Currently there is a no passing zone before you reach the Belview Elementary School and after Victoria Lane.

According to VDOT a request from the Board of Supervisors is needed in order for VDOT to review the issue and determine if a “No Passing Zone” is warranted. VDOT reports that from September 2005 and October 2008, there were 12 accidents. Eight of the accidents were rear end accidents, 2 ran off the road, 1 hit a deer, and 1 was a side swipe.

Mr. Clarke explained that Peppers Ferry Road is a major primary road. Traffic calming measures are in place which can include passing zones that provide safety measures. Passing zones allows motorist to pass other motorist in an area deemed appropriate. It has been proven that if a road with a high traffic volume does not provide some passing zones, more accidents are likely to happen due to motorist failing to obey the law by passing others in a no passing zone.

Supervisor Marrs commented that this area is in his district and he believes that during a recent rezoning request in this area for development, the Board requested a speed study be done to determine if a reduction in the speed limit is warranted. He believes that VDOT should look into this issue.

Supervisor Creed commented that the request for a “No Passing Zone” should be treated like speed study requests. A petition should be submitted to the County Administrator. He asked if the Belview Community wants a “No Passing Zone” in this area?

Supervisor Marrs replied that during the village planning process the majority of the residents who turned in the surveys stated they wanted a lower speed limit on Peppers Ferry Road.

Mr. Clarke stated that VDOT does not require any type of procedure for this type of request. It would be difficult to get a petition due to Peppers Ferry Road being a primary road. It would be hard to define a petition area.

Supervisor Creed asked if there is any criteria to determine if an area should be a no passing zone?

Mr. Clarke replied that VDOT would look at the accident history in this area to see if it warrants a “No Passing Zone”.

The Interim County Administrator asked the Board how they would like to proceed with this request. Does the Board desire to request VDOT to review the area for a “No Passing Zone”?

The Board of Supervisors, by consensus, requested VDOT to proceed with the request to determine if a “No Passing Zone” is warranted for the area on Peppers Ferry Road (SR 114) in front of the Belview United Methodist Church. The Board also directed staff to draft a policy for future requests.

### **North Fork Road ( SR 603) Improvements**

Mr. Clarke reported that VDOT is doing preliminary engineering work on North Fork Road (SR 603). This project is listed under the Six-Year Road Improvement Plan for Interstate and Primary Roads. The majority of the cost will be covered by federal funds. There is no road design at this time. The advertisement date is scheduled for 2012. Mr. Clarke will keep the Board informed of any updates on this road as it is a high profile project.

Supervisor Creed asked the estimated cost for this project. Mr. Clarke replied that the project is estimated at \$15 million, with federal funds totaling \$12 million and the state cost is \$3 million.

### **Six-Year Secondary Road Plan Projects**

The Interim County Administrator reported to date, VDOT has \$3.8 million allocated for four priority projects in Montgomery County. Three of which are projects on Mt. Pleasant Road (SR 639) which are estimated to cost \$2.75 million. Sidney Church Road (SR 606) is the next priority project, estimated at \$.9 million. Costs estimated for the four projects total \$3.65 million of the \$3.8 million available, leaving \$150,000 for possible reallocation to the next project on the list which is Yellow Sulphur Road (SR 643). Currently there is no funding available for Yellow Sulphur Road (SR 643) or Craig Creek Road (SR 621).

The Interim County Administrator asked Mr. Clarke who reallocates funding left over from a project? Mr. Clarke replied that after a project is closed out any remaining funds will towards the next project on the priority list.

When asked for a timeline for the Mr. Pleasant project, Mr. Clarke responded that VDOT plans to have Phase I completed by the end of 2009. After the contract is awarded they will know the complete cost of the project will be known. VDOT has 3.2 million allocated to Phase I of the Mt. Pleasant Road project. Any funds remaining after completion of Phase I will be reallocated to Phase II of the project.

### **PUBLIC ADDRESS**

There being no speakers, the public address session was closed.

### **CONSENT AGENDA**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously, the Consent Agenda dated July 13, 2009 was approved.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Gary D. Creed		Annette S. Perkins
William H. Brown		
Doug Marrs		
James D. Politis		

### **Approval of Minutes**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously, the minutes dated March 23, March 26, and April 6, 2009 were approved.

### **Schedule Public Hearings**

**R-FY-10-01**  
**RESOLUTION SCHEDULING A PUBLIC HEARING**  
**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE I**  
**ENTITLED ADMINISTRATION SECTION 2-12**  
**OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA**  
**BY CHANGING THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY**  
**OF MONTGOMERY COUNTY, VIRGINIA TO THE ECONOMIC DEVELOPMENT**  
**AUTHORITY OF MONTGOMERY COUNTY, VIRGINIA**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing on Monday, August 10, 2009 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 2<sup>nd</sup> Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the following:

An Ordinance Amending Chapter 2, Article I, Entitled Administration Section 2-12 of The Code of the County of Montgomery, Virginia by Changing the Name of The Industrial Development Authority of Montgomery County, Virginia to The Economic Development Authority of Montgomery County, Virginia

**R-FY-10-02**  
**SCHEDULE PUBLIC HEARING**  
**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE IV,**  
**DIVISION 2, ENTITLED COUNTY VEHICLE LICENSE**  
**SECTION 6-89 OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA**  
**BY REDUCING THE VEHICLE LICENSE FEE**  
**FOR ANTIQUE MOTOR VEHICLES REGISTERED WITH**  
**THE DIVISION OF MOTOR VEHICLES AS AN ANTIQUE VEHICLE**  
**AND DISPLAYING VIRGINIA ANTIQUE VEHICLE LICENSE PLATES**  
**TO TEN DOLLARS**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing on Monday, August 10, 2009 at 7:15 p.m., or as soon thereafter, at the Montgomery County Government Center, 2<sup>nd</sup> Floor Board Room, 755 Roanoke Street, Christiansburg, Virginia, to hear citizen comments on the following:

An Ordinance Amending Chapter 6, Article IV, Division 2, Entitled County Vehicle License, Section 6-89 of the Code of the County of Montgomery, Virginia by Reducing the Vehicle License Fee for Antique Motor Vehicles Registered with the Division of Motor Vehicles as an Antique Vehicle and Displaying Virginia Antique Vehicle License Plates to Ten Dollars

**A-FY-10-02**  
**SHERIFF**  
**RURAL DEVELOPMENT GRANT**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

323 Sheriff – Grants	\$25,000
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
434401 Rural Development Grant	\$25,000

Said resolution appropriates Federal Rural Development Grant funds for the Sheriff's Department to purchase mobile data terminals.

**A-FY-10-03**  
**SHERIFF**  
**INMATE LITTER CLEAN UP PROGRAM**  
**VEHICLE EQUIPMENT PURCHASE**  
**AND RE-APPROPRIATION OF PROJECT BALANCE IN FY 09**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

320	Sheriff – County	\$8,133
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451205	Undesignated Fund Balance

	\$8,133
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Said resolution carries over fund balance for use by the Sheriff's office for vehicle equipment and carry-over projects balances as of June 30, 2009 for the Inmate Litter Clean-up Program.

**A-FY-10-04**  
**FLOYD LIBRARY**  
**APPROPRIATION FOR FY 2009-2010**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

720	Floyd Library	\$212,470
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The sources of funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>	
415211	Sale of Copies
416156	Floyd County Reimbursement
416157	Town of Floyd Contribution
416151	Fines and Fees
424409	State Library Grant
	<u>\$ 40,643</u>
TOTAL:	\$212,470



Said resolution provides the appropriation for the operation of the Floyd Library with Floyd residents and the state providing the funding for FY10.

**A-FY-10-05  
FIRE AND RESCUE  
CHRISTIANSBURG RESCUE  
ADDITIONAL FUNDS FOR  
AMBULANCE PURCHASE**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

330	Christiansburg Rescue	\$34,730
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419108	Recovered Costs
	\$34,730

Said resolution appropriates funds received from the Christiansburg Rescue Squad which will be used toward the purchase of an ambulance.

**A-FY-10-06  
OTHER AGENCIES  
CARRYOVER OF FUNDS FROM FY09  
FOR GYPSY MOTH PROGRAM AND  
VDOT REVENUE SHARING PROGRAM**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

910	Other Agencies	\$529,644
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

02- 451203 Undesignated Fund Balance \$529,644

Said resolution appropriates fund balance to continue the Gypsy Moth Program and VDOT Revenue Sharing projects that were on-going at the end of FY 09.

**A-FY-10-07  
COUNTY CAPITAL PROJECTS  
LAND PURCHASE**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

451201      Transfer to County Capital Projects      \$627,375

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205      Undesignated Fund Balance      \$627,375

BE IT FURTHER RESOLVED, That the County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010 for the function and in the amount as follows:

400      Land Purchase      \$627,375

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451100      Transfer from General Fund      627,375

Said resolution appropriates and transfers funds from the General Fund to the County Capital Projects fund to cover the cost of land purchased behind the County Government Center.

**R-FY-10-03**  
**RESOLUTION ACKNOWLEDGING RECEIPT**  
**OF THE NEW RIVER VALLEY COMMUNITY SERVICES**  
**FY 2010 PERFORMANCE CONTRACT**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia acknowledges receipt of the New River Valley Community Services Board Performance Contract for Fiscal Year 2010.

BE IT FURTHER RESOLVED, The Montgomery County Board of Supervisors makes no comment regarding the performance contract for the New River Valley Community Services Board for Fiscal Year 2010.

**R-FY-10-04**  
**MONTGOMERY-FLOYD REGIONAL**  
**LIBRARY BOARD**  
**APPOINTMENT**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **William Eugene (Gene) Hyde** to the **Montgomery-Floyd Regional Library Board** effective July 1, 2009 and expiring June 30, 2013.

**R-FY-10-05**  
**MONTGOMERY-FLOYD REGIONAL**  
**LIBRARY BOARD**  
**APPOINTMENT**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Matthew Gabriele** to the **Montgomery-Floyd Regional Library Board** effective July 1, 2009 and expiring June 30, 2013.

**R-FY-10-06**  
**MBE DEVELOPMENT CORPORATION**  
**APPOINTMENT**

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Mary W. Biggs** to the **MBE Development Corporation** effective August 26, 2009 and expiring August 25, 2012.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

**OLD BUSINESS**

**ORD-FY-10-01**  
**AN ORDINANCE AMENDING THE ZONING CLASSIFICATION**  
**OF APPROXIMATELY 0.923 ACRES**  
**LOCATED AT 1517 FIRE TOWER ROAD**  
**IN THE RINER MAGISTERIAL DISTRICT**  
**IDENTIFIED AS TAX PARCEL NO. 90-A-29A, PARCEL NO. 020005**  
**FROM GENERAL BUSINESS (G-B) TO RESIDENTIAL (R-3)**  
**BEDFORD FALLS COMPANY**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that they proposed rezoning is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore the zoning classification of that certain tracts or parcels of land consisting of approximately 0.923 acres of land is hereby amended and rezoned from the zoning classification of General Business (GB) to Residential (R-3).

This action was commenced upon the application of Bedford Falls Company.

The property is located at 1517 Fire Tower Road and is identified as Tax Parcel No. 90-A-29A (Account # 020005) in the Riner Magisterial District. The property currently lies in an area designated as Medium Density Residential & Civic in the Plum Creek Village Plan of the Comprehensive Plan.

This ordinance shall take effect upon adoption.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
William H. Brown		Annette S. Perkins
Doug Marrs		
John A. Muffo		
James D. Politis		

**ORD-FY-10-02**  
**AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING,**  
**SECTION 10-37 OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,**  
**BY AMENDING THE FLOOD DAMAGE PREVENTION OVERLAY BY**  
**INCORPORATING THE NEW FLOOD INSURANCE STUDY AND**  
**FLOOD INSURANCE RATE MAP FOR MONTGOMERY COUNTY AND**  
**BY AMENDING THE QUALIFYING REGULATED LANDS AND**  
**THE USE LIMITATIONS WITHIN THOSE REGULATED LANDS AND**  
**BY ADDING A SECTION OF DEFINED TERMS**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning Section 10-37 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

**Sec. 10-37. Flood damage prevention overlay.**

- (1) *Purpose.* These provisions are created to regulate and restrict land use in areas which are subject to severe periodic inundation, in such a manner as to: (1) prevent the loss of life and property, (2) comply with federal and state laws and regulations that address the need for floodplain management and regulation, (3) qualify Montgomery County residents for the insurance and subsidies provided by the National Flood Insurance Program, (4) conserve the natural state of watercourses and watersheds, and minimize the damaging effects which development has on drainage conditions, pollution of streams, and other environmental impacts on water resources, (5) reduce the disruption of commerce and governmental services, (6) reduce the extraordinary and unnecessary expenditure of public funds for flood protection, rescue and relief, and (7) minimize the impairment of the tax base by:
  - (a) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;
  - (b) Restricting or prohibiting certain uses, activities and development from locating within districts subject to flooding;

- (c) Requiring all those uses, activities and developments that do occur in flood prone districts to be protected and/or flood proofed against flooding and flood damage;
- (d) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(2) *Authority.* Authority for these provisions includes:

- (a) Flood Damage Reduction Act, Code of Virginia, ~~§62.1-44.108 et seq.~~ § 10.1-600 et seq.
- (b) Planning, Subdivision of Land and Zoning, Code of Virginia, Title 15.2, Chapter 44-22.
- (c) Soil Conservation Districts Law, Code of Virginia, ~~subsections 21-2(e) and (d)~~ § 10.1-506 et seq.
- ~~(d) Virginia Environmental Quality Act, Code of Virginia, § 10-178.~~
- ~~(e)(d)~~ Erosion and Sediment Control Act, Code of Virginia, ~~§ 21-89.2~~ §10.1-560 et seq.
- ~~(f)(e)~~ National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq.

(3) *Compliance and liability.*

- (a) No land shall hereafter be developed, and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this article.
- (b) The degree of flood protection sought by the provisions of this article is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This article does not imply that districts outside the floodplain district or that land uses permitted within such district will be free from flooding or flood damages.
- (c) This article shall not create liability on the part of Montgomery County or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.
- (d) Records of actions associated with administering this ordinance shall be kept on file and maintained by the zoning administrator.

(4) *Qualifying/regulated lands.*

- (a) These provisions shall apply to all lands within the jurisdiction of Montgomery County and identified as being in the one hundred-year floodplain by FEMA (Federal Emergency Management Administration), Federal Insurance Administration.
- ~~(b) The boundaries of the floodplain districts are established as shown on the flood boundary and floodway map which is declared to be a part of this article and of the official zoning map and which shall be kept on file at the County offices.~~

- ~~(e)~~(b) Basis of districts. The basis for the delineation of districts shall be the Flood Insurance Study and the Flood Insurance Rate Maps (FIRM) for Montgomery County, prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated April, 1978 September 25, 2009, as amended, which said Flood Insurance Study and Flood Insurance Rate Map are hereby incorporated and made a part of the official zoning map and this Ordinance. The boundaries of the special flood hazard area and floodplain districts are established as shown on the Flood Insurance Rate Map (FIRM) a copy of which shall be kept on file at the Montgomery County Planning Department offices.
- ~~(d)~~(c) The Floodway District is delineated, for purposes of this ~~article~~ section, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the one hundred-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in Table 2 of the above-referenced flood insurance study and shown on the accompanying ~~flood boundary and floodway map or~~ Flood Insurance Rate Map (FIRM).
- ~~(e)~~(d) ~~The Flood Fringe District shall be that area of the one hundred year floodplain not included in the floodway district. The basis for the outermost boundary of the district shall be the one hundred year flood elevations contained in the flood profiles of the above referenced flood insurance study and as shown on the accompanying flood boundary and floodway map or flood insurance rate map. The~~ Special Floodplain District shall be those areas identified as an AE Zone on the maps accompanying the Flood Insurance Study for which one hundred (100)-year flood elevations have been provided.
- ~~(f)~~(e) ~~The Approximated Floodplain District shall be that floodplain area for which no delineated flood profiles or elevations are provided, but where a one hundred year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the flood insurance study. For these areas, one hundred-year flood elevations and floodway information from other federal, state, or other acceptable source shall be used, when available. When such other acceptable information is not available, the zoning administrator shall determine the elevation by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site. The Approximated Floodplain District shall be those areas identified as an A or A99 Zone on the maps accompanying the Flood Insurance Study. In these zones, no detailed flood profiles or elevations are provided, but the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic~~

engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the Zoning Administrator.

(f) The Shallow Flooding District shall be those areas identified as Zone AO or AH on the Flood Insurance Rate Maps.

(5) *District boundary changes.* The delineation of any of the floodplain districts may be revised where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers or other qualified agency, or an individual documents the need for such changes. However, prior to any such change, written approval must be obtained from the Federal Insurance Administration and the Montgomery County Zoning Administrator must receive official notification of any such changes. Any such changes must be formally recorded on appropriate maps approved by the ~~FIA~~ Federal Insurance Administration and submitted to the zoning administrator.

(6) *Uses permitted by right.*

(a) *Floodway District.*

1. ~~No~~ Encroachments including fill, new construction, substantial improvements and other development are prohibited, unless certification (with supporting technical data) by a registered professional engineer is provided to and until it has been demonstrated to the satisfaction of the zoning administrator demonstrating through hydrologic and hydraulic analyses that such encroachment would not result in any increase in the one hundred-year flood elevation. ~~Such analyses shall be performed in accordance with standard engineering practice by a professional engineer.~~
2. The following uses and activities are permitted, provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinances and provided that they do not require structures, fill, or storage of materials and equipment:
  - a. Agricultural uses, such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;
  - b. Public and private recreational uses and activities, such as parks, play areas of a natural, permeable nature, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, trap and skeet game ranges, and hunting and fishing areas;
  - c. Fisheries uses such as fish hatcheries and harvesting;



- d. Stormwater management improvements associated with uses permitted by right in the overlay district;
- e. Utility lines, road crossings, private drives and private access easements not resulting in an increase in the water surface elevation of the base flood affecting existing buildings and structures;
- f. Temporary storage of material or equipment necessary in the construction of uses permitted by right in the overlay district;
- g. Accessory residential uses, such as yard areas, gardens, play areas and loading areas;
- h. Accessory industrial and commercial uses, such as yard areas, parking and loading areas, airport landing strips, etc.
- i. Expansion or enlargement of existing structures and/or uses up to one hundred (100) percent of structure floor area if the effect on flood heights is fully offset by accompanying improvements that are designed by and certified by a professional engineer;
- j. Repairs, restoration and maintenance, including structural repairs may be made to a nonconforming structure only when the cost of the work does not exceed fifty (50) percent of the current fair market value and the work does not increase the cubic content volume of the nonconforming structure. Cost of the land shall not be considered in when determining the fair market value of the nonconforming structure. If a nonconforming structure is damaged or destroyed, the repair or restoration work shall commence within six (6) months of the date the damage occurred and complete the repair or restoration shall be completed within twenty-four (24) months of starting construction or the nonconforming use will be deemed abandoned.

- (b) *Flood-Fringe and Approximated Floodplain Districts.* All uses, activities and/or development shall be undertaken in strict compliance with the flood proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances.

(7) *Use limitations.*

- (a) *Generally.* Under no circumstances shall any use, activity and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility. New or replacement dwellings or other structures in floodplain or floodway areas and not provided for in subsection (6)(a)2. must provide an elevation certificate that conclusively demonstrates that the lowest floor, including basement of the dwelling or structure is at least one (1) foot above the base flood elevation. Interior repairs and renovations to such dwellings and structures are not restricted. Prior to the issuance of any permit, the zoning administrator and building official shall require all applications to demonstrate compliance with all applicable county, state and federal laws or system.

- (b) ~~Alteration of floodplain or floodway, or relocation of watercourse.~~ Alteration of ~~floodplain or floodway,~~ or relocation of watercourse shall not result in increase of off-site water surface elevation of or rise in water surface elevation of the base floodplain as defined in the FEMA (flood insurance) study. Prior to any proposed alteration or relocation of any channels or of any watercourse, ~~stream, etc.,~~ within ~~this jurisdiction~~ the County of Montgomery, a permit shall be obtained from the United States Army Corps of Engineers, the Virginia ~~State Water Control Board~~ Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to the county, to all affected adjacent jurisdictions, the division of ~~soil and water conservation (department of conservation and recreation)~~ Dam Safety and Floodplain Management, Department of Conservation and Recreation, and the Federal Insurance Administration.
- (c) *Applications for alteration.* Applications for any alteration must be submitted as part of any other land development applications.
- (d) *Site plans and permit applications.* All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this Ordinance and with all other applicable codes and ordinances, as amended, such as the Virginia Uniform Statewide Building Code (VA USBC) and the Montgomery County Subdivision Ordinance. Prior to the issuance of any such permit, the Zoning Officer shall require all applications to include compliance with all applicable state and federal laws.

All applications for development within any floodplain district and all building permits issued for the floodplain shall incorporate the following information in addition to information normally required for such applications:

1. The elevation of the Base Flood at the site;
- ~~2.4.~~ For structures that have been elevated, the elevation of the lowest floor (including basement);
- ~~3.2.~~ For structures that have been flood proofed (nonresidential only), the elevation to which the structure has been flood proofed;
- ~~4.3.~~ The elevation of the one hundred-year flood; and
- ~~5.4.~~ Topographic information showing existing and proposed ground elevations.
- ~~6.5.~~ All required information shall be recorded on an elevation certificate or flood proofing certificate approved by the zoning administrator. The certificate shall be completed by a licensed surveyor, licensed engineer, or licensed architect, and shall be recorded with the clerk of circuit court prior to the issuance of an occupancy certificate.

- (e) ~~Mobile homes~~ Manufactured Homes. All ~~mobile homes to be~~ manufactured homes placed or substantially improved on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood within the floodplain district shall be placed on a permanent foundation and elevated and anchored in accordance with the Virginia Uniform Statewide Building Code. All such mobile homes must provide an elevation certificate that conclusively demonstrates that the dwelling or structure is at least one (1) foot above the base flood elevation.

(f) *Design criteria for utilities and facilities.*

1. *Sanitary sewer facilities.* All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
2. *Water facilities.* All new or replacement water facilities including distribution line shall be designed to minimize or eliminate infiltration of floodwaters into the systems and be located and constructed to minimize or eliminate flood damages.
3. *Drainage facilities.* All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
4. *Utilities.* All utilities, such as gas lines, electrical and telephone systems, being placed in flood prone areas should be located, elevated (where possible [and appropriate]) and constructed to minimize the chance of impairment during a flooding occurrence.
5. *Streets and sidewalks.* Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(8) *Special variance factors to be considered by Board of Zoning Appeals.*

- (a) In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and consider the following additional factors:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within any floodway district that will cause any increase in the one hundred-year flood elevation.
  2. The danger that materials may be swept onto other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  5. The importance of the services provided by the proposed facility to the community.
  6. The requirements of the facility for a waterfront location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
  10. The safety of access by ordinary and emergency vehicles to the property in time of flood.
  11. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
  12. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- ~~12~~13. Such other factors which are relevant to the purposes of this article.

- (b) The Board of Zoning Appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and the adequacy of the plans for flood protection and other related matters.
- (c) Variances shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (1) unacceptable or prohibited increases in flood heights; (2) additional threats to public safety; (3) extraordinary public expense; and will not (4) create nuisances; (5) cause fraud on or victimization of the public; or (6) conflict with local laws or ordinances.

- (d) The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.
- (e) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.
- (9) Penalty for Violations. Any person who fails to comply with any of the requirements or provisions of this section shall be subject to the enforcement and penalties contained in Section 10-52(2) of this Zoning Ordinance.
- (10) Definitions. For the purpose of this Flood Damage Prevention Overlay Ordinance, the following words and phrases shall have the meanings respectfully ascribed to them by this section. Any word, term or phrase used in this Overlay Ordinance not defined below shall have the meaning ascribed to the word in Section 10-61 of the Zoning Ordinance or if not defined there then in the most recent edition of Webster's unabridged Dictionary, unless in the opinion of the Zoning Administrator established customs or practices of the County of Montgomery justify a different or additional meaning.
- Base flood\* - The flood having a one percent chance of being equaled or exceeded in any given year.
- Base flood elevation\* - The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
- Basement\* - Any area of the building having its floor sub-grade (below ground level) on all sides.
- Board of Zoning Appeals\* - The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.
- Development\* - Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- Elevated building\* - A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).
- Encroachment\* - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- Existing manufactured home park or subdivision\* - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site

grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision\* - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding\* -

1. A general or temporary condition of partial or complete inundation of normally dry land areas from
  - a. the overflow of inland or tidal waters; or,
  - b. the unusual and rapid accumulation or runoff of surface waters from any source.
2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1 (a) of this definition.
3. Mudflows which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Floodplain or flood-prone area\* - Any land area susceptible to being inundated by water from any source.

Floodway\* - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Freeboard\* - A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

Historic structure\* - Any structure that is

1. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to

- qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
  4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either
    - a. by an approved state program as determined by the Secretary of the Interior; or,
    - b. directly by the Secretary of the Interior in states without approved programs.

*Lowest floor\** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

*Manufactured home\** - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

*Manufactured home park or subdivision\** - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Manufactured home park or subdivision, New\** - a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*New construction\** - For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*Recreational vehicle\** - A vehicle which is

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;

3. designed to be self-propelled or permanently towable by a light duty truck; and,
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

*Shallow flooding area\** – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

*Special flood hazard area\** - The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.

*Start of construction\** - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Substantial damage\** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial improvement\** - Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

1. any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.



Watercourse\* - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

\*- Denotes definitions to be used only for the purpose of this Flood Damage Prevention Overlay Ordinance, the words and phrases shall have the meanings respectfully ascribed to them by this section.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Mary W. Biggs
Doug Marrs		Annette S. Perkins
John A. Muffo		
Gary D. Creed		
James D. Politis		

### **ORD-FY-10-03**

#### **AN ORDINANCE AMENDING CHAPTER 10 ENTITLED ZONING, SECTION 10-38 OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA, BY INCORPORATING A MAP AND TERMS DEFINING THE AIRPORT OVERLAY BOUNDARIES AND BY CREATING A NOTIFICATION AREA WHEREBY THE AIRPORT WILL BE NOTIFIED OF PROPOSED CONSTRUCTION WITHIN THE NOTIFICATION AREA**

On a motion by John A. Muffo, seconded by Gary D. Creed and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning Section 10-38 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

#### **Sec. 10-38. ASO Airport Safety Overlay.**

(1) *Purpose.* The ASO Airport Safety Overlay District is intended to restrict the height of structures or other obstructions in the vicinity of airports; to protect adjacent properties from the potential noise and safety impacts of airport operations, and to otherwise regulate the use of property to ensure safe airport use. It shall be an overlay district that establishes regulations in addition to those of the underlying base district that applies to any parcel designated as lying within the Airport Safety Overlay District.

(2) *District boundaries.* The Airport Safety Overlay District is made up of certain ~~zones~~ imaginary surfaces defined in Parts 77.25, 77.28, and 77.29, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, or in successor federal regulations and below. ~~These zones are as follows:~~

(a) ~~*Airport zone:*~~ ~~A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.~~ *Horizontal Surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs.

(b) ~~*Approach-zone-Surface:*~~ ~~A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.~~ A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(c) ~~*Transitional zone-surface.*~~ ~~A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.~~ These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1 from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

(d) ~~*Conical zone-surface.*~~ ~~A zone that circles around the periphery of and outward from the horizontal surface with the floor set by the conical surface.~~ A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

The boundaries of these ~~zones~~ imaginary surfaces and the height above sea level of the floor of each ~~zone~~ shall be noted on the ~~official zoning map, as adopted and as may be amended by the county board of supervisors~~ surface is shown more particularly on the map entitled "Airport Overlay Notification Area", dated April 2009, prepared by Campbell & Paris Engineers and the said Map is hereby incorporated and made a part of the Official County Zoning Map and this Overlay District Ordinance.

(3) *Uses permitted by right.* Uses permitted by right shall be in accord with the provisions of the underlying base district.

(4) *Uses permissible by Special Use Permit.* Uses permitted by special use permit shall be in accord with the provisions of the underlying base district.

(5) *Building and lot requirements.*

(a) *Height limitations.*

1. Except as otherwise provided in this chapter, no structure shall be erected or altered so as to penetrate the floor of any ~~zone~~ surface described in subsection (2).

2. In cases where the natural existing ground elevation is less than thirty-five (35) feet below the floor of a ~~zone~~ surface described in subsection (2), structures may be erected to a maximum height of thirty-five (35) feet above grade.

3. Natural forest vegetation shall not be regulated by this article, except that the administrator may require a landowner to trim or remove individual trees that penetrate the floor of any ~~zone~~ surface described in subsection (2), when the administrator has determined that such a tree is a hazard to airport operations.

(b) All other building and lot requirements shall be in accord with the provisions of the underlying base district.

(6) *Variances.* In considering applications for variances from the height restrictions contained in subsection (5), the board of zoning appeals shall request a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

(7) *Special use permits and zoning map amendments.* In considering applications for zoning map amendments and special use permits for properties within or contiguous to an Airport Safety Overlay District, the zoning administrator shall request an advisory referral from the Virginia Department of Aviation as to the effect of the proposal on the operation of airport.

(8) Notification Area: This area extends to a distance of 20,000' from the nearest part of the runway and increases at a 1':100' slope from the airport shown more particularly on the Map entitled "Airport Overlay Notification Area". The notification area elevation increases uniformly from 2,132' amsl to 2,332' amsl at the outer edge of the notification zone. The airport will be notified by the Planning Department and allowed to comment prior to any development within this notification area which penetrates the 1:100' slope.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
John A. Muffo		Annette S. Perkins
Gary D. Creed		
William H. Brown		
James D. Politis		

**ORD-FY-10-04**  
**AN ORDINANCE AMENDING CHAPTER 10, ENTITLED ZONING,**  
**SECTION 10-41(2) OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA,**  
**BY AMENDING WHEN ACCESSORY DWELLINGS ARE PERMITTED**  
**STRUCTURES IN THE A-1 AGRICULTURAL DISTRICT AND THE C-1**  
**CONSERVATION DISTRICT**

On a motion by John A. Muffo, seconded by William H. Brown and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 10, entitled Zoning, Section 10-41(2) of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

(2) *Accessory dwellings.* Accessory dwellings are permitted as rental units for tenants as an accessory use in the A-1 Agricultural District, C-1 Conservation District, R-Rural Residential, R-1 Residential District, R-2 Residential and R-3 Residential Districts, subject to all applicable district regulations of this chapter, the issuance of a zoning permit and the following additional restrictions:

- (a) In the A-1 Agricultural District and the C-1 Conservation District, accessory dwellings which are a detached structure not within the same structure as the principal dwelling are permitted provided that:
  - 1. ~~No~~ The accessory dwelling shall be located on a parcel ~~of~~ not less than five (5) acres. For parcels with more than one (1) accessory dwelling, not more than one (1) additional accessory dwelling unit is permitted per each twenty (20) acres on any single parcel, in addition to the principal dwelling. Accessory dwellings shall not ~~may~~ include duplex unit types.
  - 2. ~~No~~ The accessory dwelling shall not exceed two thousand (2,000) square feet in floor area, except that dwellings exceeding that floor area constructed prior to adoption of this chapter may be used for tenant purposes, but may not be expanded for such purposes.
  - 3. The accessory dwelling may be permitted to have its own electrical service meter if the structure meets the dwelling unit separation requirements of the Virginia Uniform Statewide Building Code.
- (b) In the A-1 Agricultural District and the C-1 Conservation District, accessory dwellings which are within the same structure as the principal dwelling are permitted provided that:
  - 1. The accessory dwelling and principal dwelling shall be located on a parcel not less than two (2 ) acres.

2. The accessory dwelling shall not exceed two thousand (2,000) square feet in floor area, but may contain all aspects of a separate dwelling unit including kitchen, bathroom, and bedroom facilities.
3. No accessory dwelling shall be established without prior written approval from the Virginia Department of Health as to the location and area for both the original and reserve drain fields and that the drain fields are adequate to serve both the main dwelling and the accessory dwelling.
4. No accessory dwelling shall be established without first obtaining a building permit to ensure compliance with building code requirements.
5. Not more than one (1) accessory dwelling shall be permitted within any single family principal dwelling and the accessory dwelling shall not have its own electrical service meter.

(b~~c~~) In the R-Rural Residential, R-1 Residential, R-2 Residential and R-3 Residential Districts, accessory dwellings are permitted provided that:

1. An accessory dwelling that is a detached, separate structure from the principal use shall be located on a parcel of no less than one (1) acre, and no more than one (1) accessory dwelling is permitted per parcel, in addition to the principal dwelling.
2. An accessory dwelling that is contained within the principal structure may be located on a parcel of no less than one-half ( 1/2) acre, and no more than one (1) accessory dwelling is permitted per parcel, in addition to the principal dwelling.
3. No accessory dwelling shall exceed one thousand two hundred (1,200) square feet in floor area.
4. No less than one (1) additional off-street parking space must be provided for the accessory dwelling; such parking shall not be located in the front yard except on an existing driveway.
5. Under no circumstances shall there be a total of more than two (2) dwelling units on any single parcel.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Gary D. Creed		Annette S. Perkins
William H. Brown		
Doug Marrs		
James D. Politis		

**ORD-FY-10-05**  
**AN ORDINANCE INCREASING THE FEES**  
**TO FILE REQUESTS FOR REZONING, SPECIAL USE PERMITS,**  
**CHANGES IN PROFFERED CONDITIONS, VARIANCE, APPEAL OF ZONING**  
**ADMINISTRATOR, REQUEST FOR SIGN PERMIT**  
**AND ZONING PERMIT, REQUESTS FOR SUBDIVISION REVIEW,**  
**SITE PLAN REVIEW, AND REQUESTS FOR A ZONING CONFIRMATION LETTER**  
**AND DMV CERTIFICATION LETTER**

On a motion by John A. Muffo, seconded by William H. Brown and carried,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the following increases in the Fee Schedule for planning and zoning activities:

**FEE SCHEDULE PLANNING AND ZONING**

<b><u>Application/Permit Type</u></b>	<b><u>Fee</u></b>
<b>Rezoning (<i>to</i>)</b>	
A-1	<del>\$375</del> 300
R-R, R-1, R-2	<del>\$500</del> 400 + \$20/acre or portion thereof
R-3, RM-1	<del>\$625</del> 500 + \$25/acre or portion thereof
GB, CB	<del>\$750</del> 600 + \$30/acre or portion thereof
ML, M-1	<del>\$875</del> 700 + \$35/acre or portion thereof
PUD-Res, PUD-Com, PIN, PMR	<del>\$1000</del> 800 + \$40/acre or portion thereof
<b>Special Use Permit</b>	<del>\$500</del> 400
Telecommunications Tower	<del>\$2500</del> 2000
Automobile Graveyard	<del>\$1250</del> 1000
Extractive Industry	<del>\$1250</del> 1000
<b>Change in proffered conditions</b>	<del>\$500</del> 400 + \$20/acre or portion thereof
<b>Comprehensive Plan Amendment</b>	<del>\$500</del> 400
<b>Variance Request - BZA</b>	<del>\$500</del> 400

<b>Appeal of Zoning Administrator's decision - BZA</b>	<b><u>\$425</u></b> <del>350</del>
<b>Sign Permit</b>	<b><u>\$40</u></b> <del>30</del>
General Advertising (Billboard)	<b><u>\$375</u></b> <del>300</del>
<b>Zoning Permit</b>	<b><u>\$10</u></b> <del>0</del>
<b>Subdivision Review Fee</b>	
Major Subdivision	<b><u>\$250</u></b> <del>200</del> per plat + \$20 per lot over 5
Minor Subdivision	<b><u>\$100</u></b> <del>70</del> per plat + \$10 per lot over 5
Family Subdivision	<b><u>\$50</u></b> <del>0</del>
Boundary Line Adjustment	<b><u>\$45</u></b> <del>30</del>
Boundary Line Adjustment with vacation	Same as Minor Subdivision
<b>Subdivision Sign Fee</b> (per BOS Resolution 5-28-1991)	\$160 per intersection
<b>Site Plan Review</b>	<b><u>\$300</u></b> <del>100</del> + \$20/acre or portion thereof
<b>Zoning Confirmation Letter</b>	<b><u>\$125</u></b> <del>100</del>
<b>DMV Certification Letter</b>	<b><u>\$40</u></b> <del>30</del>
<b>Technology Fee</b>	2% of base fees minimum \$10

When a joint application/permit is sought for both a rezoning and a special use permit, only the higher fee shall be charged.

**The Applicant shall pay all costs for publishing the required legal notices. Staff shall prepare the legal notice for the applicant and deliver the notice to The Roanoke Times. Applicant shall be responsible for contacting and paying The Roanoke Times the costs for publishing the legal notice. The applicant shall be required to make payment to the Roanoke Times for publishing the legal notice prior to the deadline date stated on the advertisement notice. If payment is not made to The Roanoke Times prior to the deadline date, the legal notice will not be published and the application will not be heard at the scheduled hearing.**

Application/permit fees are non-refundable regardless of whether the application/permit is approved, denied or withdrawn.

This Ordinance shall become effective on July 14, 2009.

The vote on the forgoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	Gary D. Creed	Mary W. Biggs
Doug Marrs	James D. Politis	Annette S. Perkins
John A. Muffo		

**Supervisor Creed and Supervisor Politis stated for the record they could not support this ordinance as they believe now is not a good time to increase fees.**

### **NEW BUSINESS**

#### **A-FY-10-08 RE-APPROPRIATION OF ENCUMBRANCES CARRYOVER FROM FY 2009**

On a motion by William H. Brown, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

100	Board of Supervisors	\$118,257
110	County Administration	\$46,625
111	EMS Grants	\$123,959
130	Financial and Management Services	\$7,841
140	Information Management Services	\$27,545
152	Assessment	\$4,798
153	Reassessment	\$570,465
162	Treasurer - County	\$2,025
180	Internal Services	\$6,692
220	General District Court	\$500
230	J&DR Court	\$653
320	Sheriff – County	\$69,600
400	General Services	\$66,728
700	Parks and Recreation	\$5,766
710	Library	\$33,242
720	Floyd Library	\$2,972
800	Planning and GIS	\$18,052
810	Economic Development	<u>\$14,024</u>
	Total	\$1,119,744

The source of funds for the foregoing appropriation is as follows:



Revenue Account

451205                      Designated General Fund Balance                      \$1,119,744

Said resolution re-appropriates monies supporting the balances of outstanding purchase orders at June 30, 2009.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Mary W. Biggs
Doug Marrs		Annette S. Perkins
John A. Muffo		
Gary D. Creed		
James D. Politis		

**A-FY-10-09**  
**COUNTY CAPITAL IMPROVEMENT PROJECTS**  
**CARRYOVER FROM FY 2009**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

110	New Government Center	\$1,584,800
	Building C Renovation	543,932
	Courthouse Renovation	26,676,343
140	Document Management	42,202
320	Jail Renovation	2,453,000
	Public Safety Building	5,200,000
330	Undesignated Fire and Rescue	17,636
	Elliston Fire Department-Pumper	860,720
	Christiansburg Rescue – Ambulance	115,000
400	Animal Control	7,187
	Elliston Bridge	22,036
	Consolidated Sites	32,689
	CJ&S Property Improvements	11,569
700	Elliston/Lafayette Recreational Park	11,871
	Park Revitalization	238
	Frog Pond	9,728
710	Meadowbrook Library	12,590

800	GIS	36,934
	Topo Maps	22,544
810	Economic Development Projects	<u>619,119</u>
	Total	\$ 38,280,138

The source of funds for the foregoing appropriation is as follows:

Revenue Accounts:

451205	Designated Fund Balance	\$38,280,138
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Said resolution appropriates the available account balances for CIP projects at June 30, 2009. These balances exclude encumbrances which will be re-appropriated through a second resolution to carry forward funds which support open purchase orders.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
John A. Muffo		Annette S. Perkins
Gary D. Creed		
William H. Brown		
James D. Politis		

**A-FY-10-10  
COUNTY CAPITAL PROJECTS FUND  
RE-APPROPRIATION OF ENCUMBRANCES  
CARRYOVER FROM FY 2009**

On a motion by Doug Marrs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the County Capital Projects was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2010, for the function and in the amount as follows:

110	New Government Center/Building C	\$23,694
	Courthouse Renovation	\$837,542
140	Integrated Management Information System	\$10,868
320	Jail Renovation/Public Safety Building	\$47,000
330	Fire and Rescue	\$1,504,305
400	General Services	\$10,900
700	Parks and Recreation	<u>\$61,806</u>
	Total	\$2,496,114

The source of funds for the foregoing appropriation is as follows:

Revenue Account

451205 Designated County Capital Projects Fund Balance \$2,496,114

Said resolution re-appropriates monies supporting the balances of outstanding purchase orders of County Capital Projects as of June 30, 2009.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Gary D. Creed		Annette S. Perkins
William H. Brown		
Doug Marrs		
James D. Politis		

**A-FY-10-11  
SCHOOLS – COUNTY CAPITAL PROJECTS FUND  
CARRYOVER FROM FY 2009**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2010 for the function and in the amount as follow:

600 Capital Projects Fund - Schools \$42,500,067

The source of funds for the foregoing appropriation is as follows:

Revenue Account

451204 Capital Projects Fund Balance \$42,500,067

Said resolution re-appropriates the available account balances at June 30, 2009 for School Capital Projects.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
William H. Brown		Annette S. Perkins
Doug Marrs		
John A. Muffo		
James D. Politis		

**R-FY-10-07**  
**RESOLUTION OF SUPPORT**  
**SOUTHWEST VIRGINIA COMMUNITY HEALTH SYSTEMS, INC.**  
**GRANT APPLICATION TO HRSA BUREAU OF PRIMARY HEALTH CARE**  
**NEW ACCESS POINT GRANT**

On a motion by Doug Marrs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby supports Southwest Virginia Community Health Systems, Inc. in applying for a HRSA Bureau of Primary Health Care New Access Point grant.

BE IT FURTHER RESOLVED, The Board of Supervisors hereby authorizes Annette Perkins, Chair of the Board of Supervisors, to forward a letter of support on the Board's behalf.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	Mary W. Biggs
Doug Marrs		Annette S. Perkins
John A. Muffo		
Gary D. Creed		
James D. Politis		

Several Board members asked for more information on the request by Southwest Virginia Community Health Systems, Inc. for the Board's support in their applying for a HRSA Bureau of Primary Health Care New Access Point grant.

This funding opportunity will allow Southwest Virginia Community Health Systems to open a Federally Qualified Health Center in Montgomery County, Virginia. This health center will offer access to affordable, comprehensive medical, dental and mental health services to residents of all ages regardless of their ability to pay. There is a great need for these services especially for the uninsured and low-income residents in our area.

In addition to being a medical home for those who currently lack care, the proposed health center will act as a multidisciplinary training site for the Virginia College of Osteopathic Medicine medical students, interns, and residents from Montgomery Regional Hospital, and health and human services students from Virginia Tech, Radford University and other training programs in the region. A Federally Qualified Health Center will offer a unique opportunity for future health professionals to learn compassionate care while building a work force that will serve underserved areas after their training is complete.

## **INTO WORK SESSION**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. 177 (Tyler Ave.) Rezoning Projects
2. Revenue Sharing

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	Mary W. Biggs
John A. Muffo		Annette S. Perkins
Gary D. Creed		
William H. Brown		
James D. Politis		

### **177 Corridor (Tyler Ave) Rezoning Projects**

The Planning Director reported that the County Planning Department has received three rezoning requests in the 177 Corridor. The applicants are seeking approval prior to the new VDOT regulations taking effect October 1, 2009. The three projects are as follows:

- S&P of Virginia requests to rezone 21.13 acres to General Business and 14.19 acres to Residential (R-3) with a Special Use Permit for motor fuel sales. They are proposing two hotels, restaurant, convenience store with motor fuel sales, forty single-family residential homes, medical offices, nursing home and assisted living apartments.
- Emerald Investors requests to rezone 9.44 acres to General Business with a Special Use Permit for motor fuel sales. They are proposing a convenience store with motor fuel sales and a retail/office space.
- Roger Woody requests to rezone 6.02 acres to General Business with a Special Use Permit for motor fuel sales. He is proposing a hotel, restaurant, fast food with drive thru and a convenience store with motor fuel sales.

The Planning Director reported that since all three requests were submitted about the same time, it gave the Planning staff an opportunity to review all of the requests and develop a plan of action regarding transportation and water and sewer. The following information was provided on transportation:

Transportation New VDOT regulations concerning access management becomes effective October 1, 2009. Projects must have one of the following: an approved rezoning with proffered conceptual plan showing entrances, approved subdivision plat, site plan, or must meet new entrance spacing requirements. Each project has had to perform a Traffic Impact Analysis (TIA) per VDOT's regulation. In order to alleviate the burden of increased traffic along Tyler Avenue near the I-81 off ramps, a proposed roundabout design has been proposed. VDOT has reviewed this plan which meets with their approval.

S&P of Virginia:

- Roundabout design to meet entrance requirements at Meadow Creek.
- Connector Road to Bains Chapel Road
- Connections to adjoining parcels
- Pedestrian accommodations within development and to roundabout

Emerald Investors:

- Right in /right out entrance proposed
- Second entrance at Barn Road and Tyler Ave intersection may be necessary for left turns out of the development
- Connections to adjoining parcels
- Pedestrian accommodations within development and to roundabout

Roger Woody:

- Entrance proposed at Meadow Creek Rd/Tyler Ave Intersection – will use roundabout also
- Meadow Creek entrance to become site entrance
- Barn Road to be improved and realigned to Tyler Ave.
- Connections to adjoining parcels
- Pedestrian accommodations within development and to roundabout

The Board asked if VDOT would allow an extension for rezoning projects already started but not yet approved by the governing body. The Planning Director reported he did submit a request to the VDOT Salem District office requesting they be granted an extension on all three projects. They have not received any response to their request from VDOT to date, therefore, they are moving forward as if there will be no extension.

The Planning Director also provided information on the water and sewer capacity in the 177 Corridor as follows:

- Current water allocation is 400,000 gallons per day (gpd) in corridor agreement
- Water capacity is adequate to serve proposed developments
- Current sewer capacity is 250,000 gpd in corridor agreement
- Current sewer capacity is not adequate to serve the needs of all developments in full build out:

○ S&P of Virginia, LLC	102,729	gpd
○ Emerald Investors, Inc.	31,120-34,560	gpd
○ Roger Wood Project	<u>44,380</u>	gpd
Total Capacity Request	181,669	
 Total PSA Capacity Identified	 <u>103,000</u>	
Sewer Capacity Deficit	(78,669)	

The Planning Director reported that the Montgomery County Public Service Authority (PSA) has discussed requirements for additional capacity with the City of Radford. Expected costs have not yet been determined. Currently, the developers' are proffering that the developments will be served by PSA sewer with acknowledgement that additional capacity will be needed.

The PSA Director has a meeting scheduled with the City of Radford on July 15, 2009 to discuss the need for additional sewer capacity.

### **Revenue Sharing**

The Interim County Administrator reported that VDOT has notified localities that they will be accepting applications for the FY 2010 Revenue Sharing Program. The deadline to submit applications is August 14, 2009. The Revenue Sharing Program allows VDOT to provide state funds to match local funds for the construction or improvement of roadways. The Board of Supervisors will need to decide whether they wish to participate in the FY 2010 Revenue Sharing Program and what road projects they would like to add.

Montgomery County has participated in the Revenue Sharing Program for a number of years and has been successful in getting secondary roads improved throughout the County. In FY 2008-2009, the County allocated \$505,000 in matching funds and received \$500,000 from VDOT for a total of \$1,005,000. A chart outlining the status of the FY 2009 projects is as follows:

#### **Revenue Sharing Project FY 2008-2009**

ROAD	IMPROVEMENTS	TOTAL COST OF PROJECT	COUNTY'S SHARE	FUNDS PAID TO VDOT	VDOT FUNDS LEFT IN PROJECT	PROJECT STATUS
Alleghany Spring Bridge (SR 637) at Willis Hollow Rd	Replace existing bridge structure with box culvert	\$355,000	\$177,500	\$0	\$177,500	Currently in PE stage
Craig Creek Road (SR 621)	Spot widening for safety improvements	\$200,000	\$100,000	\$25,000	\$75,000	Scheduled Summer 2009

Stanley Road (SR 667)	Minor widening and surface treating existing roadway	\$275,000	\$137,500	\$0	\$137,500	Obtaining right-of- way
Woodrow Road (SR 644)	Surface treating existing roadway	\$25,000	\$13,000	\$13,000	\$0	Complete d
Yellow Sulphur Road (SR 643)	Spot widening for safety improvements	\$150,000	\$75,000	\$0	\$75,000	
	<b>TOTAL</b>	<b>\$1,005,000</b>	<b>\$503,000</b>	<b>\$38,000</b>	<b>\$465,000</b>	

The Interim County Administrator also provided an update on the Barn Road (SR 627) project included in the Revenue Sharing Program in FY 2006. The project was added at the request of Showcase Home Builders, who committed to pay the county's share of \$100,000 for the realigning and improving Barn Road. In FY 2006 the estimated project cost totaled \$200,000. VDOT has informed the County that the estimated cost has increased to \$250,000. The developer has agreed to pay up to \$125,000 or 50% of the cost of those improvements.

The Interim County Administrator provided information on Yellow Sulphur Road (SR 643), which is included on the County's Six Year Secondary Road Plan. The current estimated cost for this project is \$3.133 million. Revenue Sharing funds have been used over the past few years for spot improvements along Yellow Sulphur Road. If \$1million in Revenue Sharing was applied to this project, it is estimated to cover approximately 1/3 of the project. This is one project to consider for the FY 10 Revenue Sharing, or the Board may choose to consider other roads as well.

Supervisor Creed commented that last year he agreed to remove the Willis Hollow Road project in order for the remainder of the projects to be left on the FY 2009 Revenue Sharing list. He would like to see this project added back in FY 2010. Also, he believes that something needs to be done to the section of Mt. Pleasant Road that is not included in the Six-Year Secondary Road Plan.

Supervisor Marrs stated he would like for Montgomery County to participate in the Revenue Sharing Program if there are funds available. He commented that all Board members have roads in their district that need improvement and believes that the funding should be spread out county-wide. He believes that one project should not get the entire funding.

Supervisor Politis commented that the FY 2009-2010 budget does not include an allocation for the revenue sharing program. The Interim County Administrator replied that staff is looking at



year end funds, and if more revenue comes in than predicted they may be able to use one time money.

Supervisor Politis suggested that the Road Viewers Committee schedule a time with VDOT to tour the County's secondary roads.

The Board agreed to schedule a Road Viewers meeting to tour potential roads for the revenue sharing program. A Roads Committee meeting is to be scheduled also with VDOT to discuss which projects would best utilize the funds. The following is a list of potential roads to tour:

- Willis Hollow Road
- Yellow Sulphur Road
- Mt. Pleasant Road - Christiansburg side
- Craigs Creek Road.

### **OUT OF WORK SESSION**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
John A. Muffo	None	Mary W. Biggs
Gary D. Creed		Annette S. Perkins
William H. Brown		
Doug Marrs		
James D. Politis		

### **COUNTY ADMINISTRATOR'S REPORT**

**Inmate Litter Clean-up Program Report** – The Sheriff's Department provided the following report on the Inmate Litter Clean-up Program:

- Cinnabar Road – June 20, 2009, entire length of road – collected 17 bags of trash totaling 80 lbs. 3 items not bagged.
- North Fork Road – July 8, 2009, from Interstate 81 to Bradshaw Road – collected 57 bags of trash totaling 740 lbs. 8 items not bagged.

## **BOARD MEMBERS' REPORT**

There were no Board reports.

## **ADJOURNMENT**

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously, the Board adjourned to Monday, July 27, 2009 at 6:00 p.m.

The vote on the forgoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	Mary W. Biggs
William H. Brown		Annette S. Perkins
Doug Marrs		
John A. Muffo		
James D. Politis		

The meeting adjourned at 9:05 p.m.

APPROVED: _____	ATTEST: _____
Annette S. Perkins	L. Carol Edmonds
Chair, Board of Supervisors	Interim County Administrator